No. 88-1972 (6)

Supreme Court, U.S.
FILED
NOV 16 1989
JOSEPH F. SPANIOL, JR.
CLERK

In The

Supreme Court of the United States

October Term, 1988

PEOPLE OF THE STATE OF ILLINOIS,

Petitioner,

vs.

LLOYD PERKINS,

Respondent.

On Writ Of Certiorari To The Appellate Court Of Illinois, Fifth Judicial District

JOINT APPENDIX

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Petition For Writ Of Certiorari Filed June 2, 1989
Certiorari Granted October 2, 1989

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The Order of the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois, is not Reported and is Included in the Petition for Writ of Certiorari at the Appendix (11).

The Opinion of the Appellate Court of Illinois, Fifth Judicial District, is Reported at 176 Ill. App. 3d 443, 531 N.E.2d 141 (5th Dist. 1988), and is Included in the Petition for Writ of Certiorari at the Appendix (1).

No. 88-1972

In The

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October Term, 1988

PEOPLE OF THE STATE OF ILLINOIS,

Petitioner,

vs.

LLOYD PERKINS,

Respondent.

On Writ Of Certiorari To The Appellate Court Of Illinois, Fifth Judicial District

JOINT APPENDIX

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

DATE	ITEM
April 1, 1986	Complaint Filed in the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois
June 19, 1986	Bill of Indictment filed in the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois
July 31, 1986	Respondent's Motion to Suppress Confessions Filed
November 14, 1986	Respondent's Motion to Suppress Filed
February 18, 1987	Hearing Held on Respondent's Motions to Suppress
April 7, 1987	Argument Held on Respondent's Motion to Suppress
April 8, 1987	Order of the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois, Granting Respondent's Motion to Suppress, Filed
April 15, 1987	Petitioner's Notice of Appeal Filed
November 21, 1988	Opinion of the Appellate Court of Illinois, Fifth Judicial District, Affirming the Circuit Court's Order of Suppression, Filed
December 21, 1988	Petitioner's Petition for Leave to Appeal Filed

April 5, 1989	Order of the Illinois Supreme Court, Denying Petitioner Leave to Appeal, Filed

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE TWENTIETH
JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS	)	
VS.	)	No. 86-CF-305
	)	WARRANT
LLOYD RAY PERKINS	)	NO. 4746
321 WEST CORWIN	)	CLASS . . MURDER
LITCHFIELD, IL.	)	FILED APRIL 1, 1986
Defendant	)	
D.O.B. 5/26/65	)	

CRIMINAL COMPLAINT

Complainant, DET. STEVE WALTERS, FAIRVIEW HEIGHTS POLICE DEPARTMENT on oath charges: that on the 8th day of NOVEMBER, 1984, in said County, LLOYD RAY PERKINS, committed the offense of MURDER, in that:

THE SAID DEFENDANT WITHOUT LAWFUL JUSTIFICATION AND WITH THE INTENT TO KILL RICHARD E. STEPHENSON, SHOT RICHARD E. STEPHENSON WITH A GUN IN THE LEG THEREBY CAUSING THE DEATH OF RICHARD E. STEPHENSON,

in violation of Section 9- 9a (1) Chapter 38, Illinois Revised Statutes.

/s/ Det. Steve M. Walters
(Complainant)

Subscribed and sworn to before me this 31st day of MARCH A.D. 1986.

/s/ Richard A. Hudlin IV
Judge of the Circuit Court

Approved /s/ Dennis Hatch
Asst. State's Attorney
DENNIS HATCH, WARRANT OFFICER

IN THE CIRCUIT COURT OF
THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	)	
vs.	)	NO. 86-CF-305
LLOYD R. PERKINS, Defendant.	)	FILED JULY 31, 1986

MOTION TO SUPPRESS CONFESSIONS

Now comes the defendant, Lloyd R. Perkins, by his attorneys, Clyde L. Kuehn, Public Defender, and Eric M. Rhein, Assistant Public Defender, and for defendant's Motion to Suppress Confessions states as follows:

1. That the State's evidence at trial will be that defendant allegedly confessed murdering Richard E. Stephenson to a DCI informant, an agent to the State of Illinois, who was incarcerated along with defendant at the Graham Correctional Facility in Hillsboro, Illinois. Said alleged confession was obtained by said informant in violation of defendant's right to due process and, specifically, in violation of defendant's *Miranda* rights.

2. That the State's evidence will be, at trial, that defendant allegedly confessed to the murder of Richard Stephenson on another occasion, while incarcerated in a jail [cell] along with said DCI informant and a DCI undercover agent. Said alleged confessions were elicited by the

State's agents in violation of defendant's due process rights, and, specifically, in violation of defendant's *Miranda* rights.

WHEREFORE, defendant prays that the Court enter an Order suppressing said alleged confessions as evidence in the trial of this cause.

/s/ CLYDE L. KUEHN
CLYDE L. KUEHN

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(618) 227-6646

IN THE CIRCUIT COURT OF THE
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff, vs. LLOYD PERKINS, Defendant.	)	NO. 86-CF-305 FILED NOV 14, 1986

MOTION TO SUPPRESS

Comes now Clyde L. Kuehn, attorney for defendant, Lloyd Perkins, and respectfully requests suppression of statements allegedly made to Agent Parisi of the Department of Law Enforcement, such statements were elicited by agents of the State acting in an undercover capacity while the defendant was in custody and constitute knowing exploitation by the State of an opportunity to confront the accused without counsel being present, in violation of rights guaranteed under the Fifth and Sixth Amendments to the Constitution.

/s/ CLYDE L. KUEHN
CLYDE L. KUEHN

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IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT OF ILLINOIS
ST. CLAIR COUNTY

THE PEOPLE OF THE STATE ILLINOIS V. LLOYD PERKINS, Defendant.	)	No. 86-CF-305

REPORT OF PROCEEDINGS

Before the HON. JOHN J. HOBAN
February 18, 1987

MOTION TO SUPPRESS

APPEARANCES:

Ms. Lisa Franke
Assistant State's Attorney
On Behalf of the People;

Mr. James Radcliffe
Assistant Public Defender
On Behalf of the Defendant.

Debra M. Musielak, CSR, CM
Official Court Reporter

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(p. 4) *STEPHEN WALTERS*

(being called as a witness on behalf of the People, upon being duly sworn, testified as follows)

DIRECT EXAMINATION

BY MS. LISA FRANKE

Q. Would you please state your name and occupation?

A. Stephen Walters, Police Officer for the City of Fairview Heights.

Q. And Mr. Walter, directing your attention back to November of 1984, were you so employed on that date?

A. Yes, ma'am.

Q. And what capacity were you employed at the Fairview Heights Police Department?

A. I was assigned to the Detective Unit.

Q. Did you respond or have you been assigned to the (p. 5) case of People v. Lloyd Perkins?

A. Yes, ma'am.

Q. And at that time what was your involvement with that particular case?

A. I was the case agent, the primary investigating officer.

Q. As the primary investigative officer what were your duties and responsibilities with that case?

A. To just investigate the case and develop any possible suspects that could have committed the offense.

Q. Back in November of 1984, after your initial investigation, after the initial offense report did you have any suspects at that time?

A. No, ma'am.

Q. And, did you later develop a particular suspect?

A. Yes, ma'am.

Q. And when would that have been?

A. We were contacted by Division of Criminal Investigation, Agent Kenny Korunka from District 18 up in Litchfield, Illinois, concerning a prisoner that was incarcerated at the Graham Correctional facility in Hillsboro, Illinois, that had some information regarding a homicide that had occurred in the East St. Louis area approximately two years ago, and it was stated at that time (p. 6) through the agent in October of 1984 –

Q. Was the information that you were provided by Agent Korunka corroborative of the information you knew about the incident that had happened in November of 1984?

A. Yes, ma'am.

Q. And based upon that what, if anything, did you do?

A. We got some further information from the agent, did some background on the person that he was getting the information from. We set up a meeting with – through the Department of Corrections with the inmate by the

name of Donald Scott Charlton and interviewed him on March the 14th of 1986.

Q. During the course of that conversation, did Mr. Charlton indicate to you information about the death of Mr. Stevenson?

A. He did not know the victim's name. He supplied us with information concerning conversations he had had with an inmate that was there at Graham also concerning a homicide or a murder, as he called it, had occurred in the East St. Louis area. The facts that were given to us by Mr. Charlton corroborated what we had already known about the death of Mr. Stevenson.

Q. And who was the individual that he had been receiving his information from?

(p. 7) A. Mr. Charlton identified Lloyd Ray Perkins is being the one who had given him the information.

Q. After your first conversation with Mr. Charlton, what did you next do in attempt to further investigate his claims of what he had heard from Mr. Perkins?

A. Well, we continued our investigation. We had found out that Mr. Perkins had been released from the Graham Correctional Fac..ity on March the 5th, 1986, so, we had the person we were getting the information from inside the correctional facility and the suspect outside the correctional facility. So at that point we petitioned the Court for a writ in order to get the inmate Charlton released from the Graham Correctional Facility and we also petitioned the Montgomery County State's Attorney's Office and Court up there for an eavesdrop in order

for Mr. Charlton to make contact with Mr. Perkins and possibly get some more information.

Q. So the writ to have Mr. Charlton taken out of the penitentiary was issued by a Court in this county?

A. Yes, ma'am.

Q. And the eavesdrop order was issued by the State's Attorney's Office in Montgomery County, is that correct?

A. That's correct.

Q. It was authorized by a Montgomery County Court?

(p. 8) A. That's correct.

Q. What was the eavesdrop order to pertain to?

A. A conversation with the informant, Mr. Charlton, and the defendant, or the suspect at this point, Lloyd Ray Perkins, concerning the death of Mr. Stevenson.

Q. At this time what were the arrangements in terms of whether that conversation was to take place?

A. Well, we took Mr. Charlton to our Police Department. We had him try to contact Mr. Perkins' residence that he had received Mr. Perkins' phone number while they were in jail together. He made numerous attempts to contact the defendant, Mr. Perkins, at his grandfather's residence to no avail. We transported Mr. Charlton up to the Litchfield area where Mr. Perkins resided, and also tried to make contact with Mr. Perkins, again to no avail.

Q. Did you later find out information about the whereabouts of Mr. Perkins?

A. Yes, we were advised on March the – March the 30th that Mr. Perkins had been incarcerated again at the Montgomery County Jail pending some formal charges in an unrelated incident.

Q. And at that time what, if anything, did you attempt to do?

A. That was a Saturday, March 30th we – when I say we (p. 9) I'm talking about myself, my supervisors, talked it over and at that point we thought the best way to proceed was to possibly put someone inside the jail with Mr. Perkins in order to have this conversation take place.

Q. At that time did you discuss with the State's Attorney Barbara Adams from Montgomery County about the continuation of the eavesdrop order she had previously given to you?

A. The eavesdrop order was still in effect. I didn't have any – I can't recall any conversations regarding – I may have talked to Mrs. Adams or Miss Adams regarding using eavesdrop in the jail, I can't recall.

Q. Did you at that time discuss with the State's Attorney's Office in this county, Mr. Baricevic about using an eavesdrop while inside the County Jail?

A. Yes, ma'am.

Q. What was your discussion with Mr. Baricevic?

A. If we back up for a minute, I do remember I talked to Mrs. Adams. She referred me to Mr. Baricevic as to the offense happened in his jurisdiction. When I conferred with Mr. Baricevic we were told by Mr. Baricevic

that I don't believe we could have done an eavesdrop in an institution.

Q. And what were some of the reasons why you were reluctant to do an eavesdrop in an institution?

(p. 10) A. Well, after talking to Mr. Baricevic that became secondary to the fact that we were planning on putting an undercover officer in the institution, also, and due to safety considerations of Special Agent Parisi, who works for the Metropolitan Enforcement Group, it was decided that we weren't going to use an eavesdrop due to the safety reasons.

Q. The eavesdrop wire would have been on his person?

A. Yes, but the logistics wouldn't have worked out. We would have had to call – we would have had to be changing tapes. Mr. Parisi – we didn't know how fast any conversation would take place, to begin with. He was put in there on a Sunday. We would have had to change tapes a number of times. We would have had to change batteries a number of times, and, it was decided that Mr. Parisi would stay in there a max of three days or until a conversation took place between the suspect and himself regarding the homicide.

Q. After that decision was made, did you contact Agent Parisi yourself?

A. Yes.

Q. When would it have been that you contacted Agent Parisi?

A. I had talked to Agent Parisi's Supervisor on Sunday March the 31st, who agreed that if Agent Parisi was willing (p. 11) to take the assignment that it was no problem with him. I cõntacted Special Agent Parisi who was interested. We set up a meeting for later that afternoon and he agreed to enter the Montgomery County Jail with Donald Scott Charlton, the informant in this case, posing as two escaped convicts.

Q. At the time of your initial conversation with Agent Parisi or his supervisor, did you indicate to them the details of the murder case?

A. No. No, ma'am..

Q. What, if anything, did you tell Agent Parisi about what he was to be doing?

A. The only thing that Mr. Parisi was told was that there was a murder that had occurred in Fairview Heights, and that this person was a suspect and we'd got information through Mr. Charlton that this person knew about the murder and had admitted to doing the murder prior to that, to Mr. Charlton, and that he was supposed to engage the person in conversation, and if any conversation came up regarding the murder, to relay that information to us.

Q. Was he told the details of the conversations that you had had with Mr. Charlton?

A. The only thing Mr. Parisi was told about Mr. Charlton was that they were – that he was an inmate with Perkins at Graham Correctional Facility and Mr. Charlton knew (p. 12) nothing of the murder other than what he had heard from Mr. Perkins.

Q. Were you present at the time that Agent Parisi and Mr. Charlton met at the Fairview Heights Police Department?

A. Yes, ma'am.

Q. What, if anything, was the conversation between the two of them at that time?

A. That was approximately 5:30 on March 31st. Special Agent Parisi responded to the Fairview Heights Police Department. We went over with Mr. Charlton – we, myself, Mr. Charlton and Mr. Parisi, went over the ruse they would use to enhance their cover, and that was to be that they had both escaped from the – or that Mr. Charlton had been transferred to a work release program where he met Mr. Parisi and they had escaped there, went to Litchfield area to meet Mr. Perkins concerning that Charlton and Perkins were buddies, and at that point that they were going to, you know, play that they were escaped convicts and they were going to end up doing some other crimes together but they ended up getting arrested and getting thrown in the Montgomery County Jail with Mr. Perkins.

Q. During the discussion between Agent Parisi and Mr. Charlton did Mr. Charlton indicate to Agent Parisi in your presence the details of what conversation he had told you (p. 13) previously about what Mr. Perkins had told him?

A. No, ma'am.

Q. To the best of your knowledge was Agent Parisi ever advised of the details prior to him entering the Montgomery County Jail?

A. No, ma'am. We purposely did not tell him anything regarding the murder.

Q. What time was it they went to the Montgomery County Jail?

A. We met with the Sheriff Jim Moore at approximately ten minutes after eight that evening.

Q. What happened at that time?

A. At that time both Mr. Charlton and Mr. Parisi were placed in the County Jail as their regular routine as they were arrested, supposedly arrested.

Q. At the time that they entered the Montgomery County Jail, was Mr. Perkins charged with the offense of murder, of a November murder of Mr. Stevenson?

A. No, ma'am.

Q. And at that time had you had any discussions with the State's Attorney's Office regarding the charge of murder?

A. The State's Attorney's Office had been kept apprised, but we had never applied for any type of warrant at that point.

(p. 14) Q. So at that time he had not been charged with any murder of Mr. Stevenson?

A. Yes, ma'am.

Q. What arrangements, if any, had you made with the Montgomery County Jail in terms of getting information to you from Agent Parisi or from Mr. Charlton?

A. When I spoke to the Sheriff, a signal was set up that once Mr. Parisi felt that safety was a factor, or that he

had heard enough conversation through Mr. Perkins, that he would signal the Sheriff or the Guard on duty saying that he was sick. At that point we would know to get Mr. Perkins and Mr. Charlton – I mean, sorry, Mr. Parisi and Mr. Charlton out of the cell with Mr. Perkins.

Q. Was that ever done?

A. Yes, ma'am.

Q. When was that done?

A. I was contacted by the supervisor, Mr. Parisi at seven o'clock in the morning – the next morning would have been March the 31st.

Q. What, if anything, did you do in response to a conversation with him?

A. At that point Special Agent Remelius of being a supervisor, Agent Parisi, advised me that he had been contacted by Special Agent Parisi and that he had heard (p. 15) enough conversation through Mr. Perkins regarding the murder, and at that point we met at the Fairview Heights Police Department and we contacted Assistant State's Attorney Dennis Hatch. We proceeded up to the Hillsboro – Hillsboro to the Montgomery County Jail.

Q. At any time subsequent to that was Mr. Perkins arrested for the murder of Mr. Stevenson?

A. No, ma'am.

Q. Okay. When was he finally arrested for that offense?

A. After we had entered – after Mr. Perkins was brought over from the jail cell to the Courthouse, Mr.

Perkins was advised by myself that he was being placed under arrest. At that point I formally requested a warrant from Dennis Hatch at which time he put, took it under advisement. Subsequently Mr. Perkins was interviewed the next day – he was mirandized, interviewed the next day. A warrant was issued through the State's Attorney's Office.

Q. Okay. On the day that you advised Mr. Perkins of his rights, did he give you a statement at that time?

A. No, ma'am.

Q. What, if anything, was his response to you?

A. The only response was that he wanted a lawyer.

Q. Did you indicate to Agent Parisi that he was to (p. 16) identify himself to Mr. Perkins as a Police Officer?

A. Not until after he was brought over on that Monday, would have been March the 31st.

Q. And at any time did you indicate to Agent Parisi what his role was to be in terms of his conversation with Mr. Perkins?

A. Concerning the conversations inside the jail?

Q. Yes.

A. Nothing other than he was supposed to act as an escaped convict knowing Mr. Charlton, and if any conversation took place between him and Mr. Perkins to relay that information to us.

Q. Did you indicate for Agent Parisi to question Mr. Perkins about the death of Mr. Stevenson?

A. No, ma'am.

Q. What was – what has been Mr. Charlton's compensation for his cooperation with your Police Department?

A. Nothing at all.

Q. And what was Mr. Parisi's compensation by your Police Department for his compensation?

A. Nothing at all.

Q. Why was Agent Parisi selected as the undercover agent to work in this case?

A. Agent Parisi has, I believe, 3-and-a-half years (p. 17) undercover experience. I myself have worked with Special Agent Parisi. He seemed like the logical choice that could talk his way into enhancing his cover, and also he certainly looks the part as a – he looked the part as a biker, motorcycle gang member.

MS. FRANKE: That's all the questions I have of this witness, Your Honor.

THE COURT: You may inquire.

CROSS EXAMINATION
BY MR. JAMES RADCLIFFE

Q. What agency were you working with in March of 1986?

A. Fairview Heights Police Department.

Q. What agency was Mr. Parisi working for?

A. Metropolitan Enforcement Group. I believe he's employed by another agency assigned to that unit.

Q. Is that commonly known as MEGSI?

A. Yes, ma'am. Yes, sir.

Q. So both you and Mr. Parisi were police officers at all times that you've testified to, correct?

A. That's correct.

Q. Can you tell the Court how Mr. Parisi was dressed when you put him in the Hillsboro Jail?

A. I believe he had blue jeans on, ratty T-shirt, (p. 18) motorcycle garb, jacket, on.

Q. Okay. And I believe your testimony was that you and Parisi and who else was involved in setting this up? What other police officers?

A. My Sergeant, Sergeant Prindable, Agent Parisi's supervisor, Special Agent Remelius, and that's all.

Q. Okay. I think the words you used in describing your preparation for this undercover assignment was to develop a ruse, is that the word you used?

A. That's correct.

Q. Can you tell the Judge what the ruse was?

A. Well, obviously when you are dealing with a suspect, you know, suspected of murder, you know we had to use an undercover enhancement or an undercover story that would enhance Mr. Perkins, I mean Mr. Parisi's cover in order for him to engage in some conversation with Mr. Perkins.

Q. So, the purpose of this ruse was for Mr. Parisi as an undercover officer to gain the confidence of the defendant, correct?

A. That's correct.

Q. And, I think you also testified that you never told Mr. Parisi to ask the defendant any questions about the murder?

A. That's correct.

(p. 19) Q. Why were you putting him the cell with him?

A. If any conversation came up that he could overhear that, but he was – he was told not to direct any questions and ask any questions specifically regarding the murder to Mr. Perkins.

Q. Who was to carry out that role, Mr. Charlton?

A. No, Mr. Charlton was told the same thing.

Q. So, the four police officers develop this elaborate ruse to gain the confidence of the defendant and you are telling this Judge that they were directed not to ask any questions of him?

A. That's correct.

Q. Now, you also said there was an eavesdrop order, Court order in effect for Charlton to try to engage the defendant in some telephone conversations at a motel, correct?

A. That's correct.

Q. You are not telling this Court that there was any eavesdrop order in effect for the undercover operation in the jail are you?

A. I don't understand the question.

Q. Well, didn't you talk to Mr. Baricevic about getting an eavesdrop order or wiring up Mr. Parisi to talk to the defendant?

(p. 20) A. The eavesdrop order was still in effect that we had from the Montgomery County State's Attorney's Office regarding Mr. Charlton and Mr. Perkins.

Q. And that eavesdrop order was limited to conversations between Mr. Charlton and the defendant at a motel that you were going to set Charlton up in, correct?

A. I don't know if it was limited to that, no.

Q. Isn't it true that Mr. Baricevic told you that they would not issue an eavesdrop order for any contact between Mr. Parisi, Mr. Charlton, and the defendant at the jail?

A. I don't recall that specifically. I was told –

Q. Well, you told the Judge that you had conversations with Mr. Baricevic?

A. Yes, but you are telling me what he told me. I'm saying that I don't recall him telling me that.

Q. Okay. Would it be fair to say that after your conversation with Mr. Baricevic you did not have an eavesdrop order pertaining to the undercover operation in the jail?

A. No, we did not gather another eavesdrop order, no.

Q. How long was the eavesdrop order in effect that you have from the motel?

A. I believe until April the 5th, 1986.

Q. And none of the – strike that. There were no conversations between Charlton and the defendant during that (p. 21) period of time when you had Charlton set up in the motel, was there?

A. There were no conversations with Mr. Perkins and Charlton at the motel, that's correct.

Q. And how long did you have Mr. Charlton set up at the motel?

A. Well, we attempted to contact Mr. Perkins previously to his going to the motel. Specifically at the motel, I believe we went up there two days.

Q. Okay. What days were – was Charlton set up in the motel, if you recall?

A. I believe it was – I know one of them was Good Friday. I believe it would have been the day before, the day before Good Friday, which would have been the, I believe, the 28th.

Q. 28th. So by the 27th Charlton was taken out of the motel?

A. No. When we got Charlton from the Graham Correctional Facility he was remanded into the custody of the Fairview Heights Police Department. There were numerous attempts to contact Mr. Perkins through the

Fairview Heights Police Department through telephone conversations in order to set up a possible meeting later. Once we were told by Perkins' grandfather that he was out of town, would not (p. 22) return until Friday, at that point we ceased calling the residence, and that Friday we took Mr. Perkins, or Mr. Charlton to the motel in order to try to make contact with him, and have him already in Litchfield.

Q. I'm still trying to figure out when you took Charlton out of the motel. Obviously you did it before the 30th?

A. It was the Friday.

Q. Okay. The 28th?

A. He was brought to the motel, Friday, taken out the same day.

Q. Okay. I take it that it was not part of your ruse to mirandize Mr. Perkins in the jail when Mr. Parisi was undercover, correct?

A. I don't think that would have enhanced his cover, no.

Q. I take it it was not part of the ruse to advise Mr. Perkins that he had a right to an attorney before Mr. Parisi talked to him, was it?

A. As I told, Mr. Perkins was not advised of the rights.

Q. Okay. And in fact you testified that the day after the criminal complaints were signed in this case, Mr. Perkins was arrested and was mirandized, correct?

(p. 23) A. No, the criminal complaint wasn't issued until –

Q. The 31st?

A. No, I believe it was the 1st, if I can refer to my notes. Yes, sir, it was issued April the 1st.

Q. You want to mark that? Handing you what's been marked Defendant's Exhibit No. 1, you recognize that?

A. Yes, sir.

Q. Is that the criminal complaint we are referring to?

A. Yes, sir.

Q. Is that signed March 31st by Judge Hudlin?

A. Yes, sir.

Q. I'm handing you what's been marked Defendant's Exhibit No. 2. Do you recognize that?

A. Yes, sir.

Q. Is that a copy of the warrant of arrest?

A. Yes.

Q. Is that signed by Judge Hudlin also on March 31st, 1986?

A. Yes sir.

Q. Was that the warrant for arrest you used to arrest the defendant?

A. That was the warrant of arrest and criminal complaint was issued late on March 31st. It wasn't filed until

the next day. He was not – he was advised that he was (p. 24) under arrest March 31st. He was not formally served copies of the complaint until April the 1st.

Q. Okay. When he was advised that he was under arrest for the murder of Mr. Stevenson, he was mirandized at that point, correct?

A. That's correct.

Q. And what was his response?

A. That he wished to speak with an attorney.

Q. And he did not make – wish to make a statement, correct?

A. That's correct.

Q. Isn't it true that this entire undercover operation by your department in conjunction with Mr. Parisi working in MEGSI, was initiated by the Fairview Heights Police Department in conjunction with MEGSI?

A. Yes, basically.

MR. RADCLIFFE: That's all I have.

MS. FRANKE: I have no questions.

THE COURT: Step down.

(p. 25) *PATRICK PRINDABLE*

(being called as a witness on behalf of the People, upon being duly sworn, testified as follows)

DIRECT EXAMINATION
BY MS. LISA FRANKE

Q. Would you please state your name and occupation?

A. Patrick J. Prindable, Detective, Fairview Heights Police Department.

Q. How long have you been so employed?

A. Ten years.

Q. Mr. Prindable, directing your attention to the date of November '84, were you so employed with the Fairview heights Police Department on that date?

A. I was.

Q. What were your duties and responsibilities?

A. Head of Investigation Division and assignment of cases.

Q. Were you the supervisor of Agent Walters or Detective Walters during the time he was investigating the death of Mr. Stevenson?

A. I was.

Q. And, subsequent to the initial investigation in the months of March of 1986, were you also involved in the development of a suspect of Lloyd Perkins?

(p. 26)A. Yes, ma'am.

Q. What, if anything, was your initial conversations with Mr. Walters about the suspect Mr. Perkins?

A. Well, we had received some information in regards to a source in the correctional facility up near

Hillsboro, and we went and talked to that source, and that source indicated that he had had a conversation of the subject indicated as Lloyd Perkins. We subsequently initiated an investigation into the possibilities that this suspect in your homicide was Lloyd Ray Perkins.

Q. Who was it that you had the conversation with regarding the development of the suspect of Mr. Perkins?

A. Donald Scott Charlton.

Q. And what, if anything, did Mr. Charlton give you regarding the murder?

A. Well, he indicated that he had had conversation with the Perkins subject and that he had given us information about the homicide that only we felt that only suspect would know.

Q. Were they details which were corroborative of the facts as you knew them to be of the crime scene on the date of the incident?

A. Yes, ma'am.

Q. What did you do with your initial conversation with (p. 27) Mr. Charlton?

A. After the initial conversation we were going to attempt to locate Lloyd Ray Perkins, and what we did is we received an eavesdropping order from Montgomery County and we were going to take Mr. Charlton out of the facility on a writ and try to attempt to connect him with Mr. Perkins up in Litchfield.

Q. At the time that you had received the eavesdrop order is that from the Montgomery County State's Attorney's Office?

A. Yes, ma'am.

Q. Was it from the Montgomery County Court that approved that eavesdrop?

A. Yes.

Q. Why was it you went to Montogomery?

A. Because that was where we were going to try to set up the eavesdrop.

Q. At that time was Mr. Charlton cooperating with you in terms of engaging in that conversation with Mr. Perkins?

A. Yes, ma'am.

Q. At the time that you received the eavesdrop order was it your understanding that Mr. Perkins was not incarcerated, that he was out of the Country Jail?

A. Yes, ma'am.

(p. 28) Q. What, if anything, did you do after receiving the eavesdrop order from Montgomery County Court?

A. After receiving the eavesdrop order, we, Mr. Charlton, try to make contact with Mr. Perkins, and on the 25th of March, we in fact went to Litchfield and set up an eavesdrop in a hotel up there and attempted to have Mr. Charlton contact Mr. Perkins to get him over to the location of our eavesdrop in the motel, and that proved unsuccessful.

Q. What, if anything, did you do after being unsuccessful in that attempt?

A. Well, we took Mr. Charlton back to out facility and we were going to try again, you know, and we tried again several days later, and that was unsuccessful, too.

Q. After that what, if anything, did you do?

A. Well, then we were trying to locate Mr. Perkins and the Montgomery County authorities, particularly Sheriff Moore, and the County Prosecutor knew of our efforts to try and locate Mr. Perkins, and on March 29th, I was contacted at my residence by the Sheriff, Mr. Moore, who advised me that Mr. Perkins was in custody in their facility.

Q. Were you made aware of what he was being held in custody for?

A. Yes, ma'am.

Q. And what was he being held in custody for?

(p. 29) A. Aggravated Battery, I believe.

Q. Was that anything arising out of the charges connected with the death of Mr. Stevenson?

A. No, ma'am.

Q. Were they unrelated charges?

A. Yes, ma'am.

Q. At that time after finding out that information what, if anything, did you attempt to do?

A. I contacted Detective Walters and we had discussed various aspects of what we might do, and we talked about getting John Parisi, and undercover agent for MEG to go up to the county facility in Hillsboro and be processed in with a prisoner along with Mr. Charlton.

Q. At that time did you attempt to acquire an eavesdrop order from the Montgomery County State's Attorney's Office?

A. Yes, but they referred us to the St. Clair County prosecuting attorney.

Q. At that time was your eavesdrop order still in effect in Montgomery County?

A. Yes, ma'am.

Q. Was that conversation for the hotel room that was to be held in the Montgomery County Hotel?

A. Yes, ma'am.

(p. 30) Q. What, if anything, were your conversations with – who was it that you talked to in the St. Clair County State's Attorney?

A. Mr. Baricevic.

Q. And what, if anything, did he indicate to you about an eavesdrop order?

A. He indicated that he did not think we should use an eavesdrop device in the Montgomery County facility.

Q. Did you discuss with him your plans with Agent Parisi?

A. Yes, we did.

Q. And Mr. Charlton?

A. Yes.

Q. What, if anything, did he do?

A. He agreed with our plans to proceed.

Q. Did you do that? Did you proceed with that plan?

A. Yes, ma'am.

Q. Were you present at the date when Mr. Charlton and Mr. Parisi first met with the Fairview Heights Police Department?

A. No, ma'am.

Q. Were you present when they were taken to the Montgomery County Sheriff's Department?

A. No, ma'am.

(p. 31) Q. At any time did you advise Agent Parisi of the details of the homicide of Mr. Stevenson?

A. No, ma'am.

Q. At any time did you direct Agent Parisi to question Mr. Perkins when he came into contact with him about the death of Mr. Stevenson?

A. No, ma'am.

Q. When would be the next contact that you had with Agent Parisi or with Mr. Charlton?

A. That would have been the morning of the 30th, March 30th after the – after they had been incarcerated when they were let out of the facility.

Q. And would that have been a Sunday or a Monday?

A. Monday, I believe.

Q. And what, if anything, did you do at that time?

A. Well, we talked to the – separated Mr. Charlton and Mr. Parisi and we talked to each of them, and each of them indicated that, you know, Mr. Perkins had told them about the incident.

Q. Did you at that time elicit details from both of these witnesses, Agent Parisi and Mr. Charlston?

A. Yes.

Q. Were they consistent with each other?

A. Yes.

(p. 32) Q. Were they consistent with the facts that you knew them to be of the homicide of Mr. Stevenson?

A. Yes, ma'am.

Q. After that, what if anything did you and your department do?

A. At that time we had the Assistant State's Attorney, Mr. Hatch with us, and both Detective Walters and myself brought Mr. Perkins over and we placed him under arrest as a suspect in our homicide and advised him of his rights.

Q. At the time that Agent Parisi and Mr. Charlton went to the Montgomery County Jail and were booked in, was Mr. Perkins under arrest for the death of Mr. Stevenson at that time?

A. No, ma'am.

Q. Had you at that time had any formal documents charging him with that murder?

A. No, ma'am.

Q. What kind of payment did Mr. Charlton receive for his cooperation with you?

A. No, none.

Q. And what kind of compensation did Mr. Parisi receive in exchange for his cooperation?

A. Nothing.

Q. Where you present on the date of the date that Mr. (p. 33) Perkins was formally charged with the murder when he was questioned and advised of his rights?

A. At the Montgomery County Courthouse, yes, ma'am.

Q. And at that time did he give a statement to you?

A. No, ma'am.

Q. What, if anything, was his response?

A. He wanted to talk to a lawyer.

MS. FRANKE: I don't have any further questions of this witness.

CROSS EXAMINATION
BY MR. JAMES RADCLIFFE

Q. Officer Prindable, after you had conversations with Charlton, Mr. Perkins developed as a suspect in the Stevenson killing, isn't that correct?

A. Yes, sir.

Q. And during the period of time that Officer Parisi was undercover in the Hillsboro Jail, the defendant was incarcerated there, isn't that correct?

A. Yes, sir.

Q. He was not free to leave?

A. No – well, I presume not, sir.

Q. I take it he was not mirandized?

A. I wouldn't know, sir, I wasn't there.

(p. 34) Q. You were involved in the discussions with Mr. Parisi prior to going undercover, weren't you?

A. No, sir.

Q. This eavesdrop order that you've referred to, that was specifically for Donald Charlton, isn't that correct?

A. I'd have to refer to my notes, sir.

Q. Is that your recollection?

A. Pardon?

Q. Do you have a copy of it with you?

A. Yes, sir. Says Donald Charlton here.

Q. Okay, does it also refer to setting him up in a motel?

A. Yes, sir, uh-huh.

Q. Does it also refer to telephone conversations?

A. Person-to-person and telephone, yes, sir.

Q. Isn't it true that there is nothing in that eavesdrop order which pertains to the Hillsboro Jail?

A. That is correct.

Q. Isn't it true that there is nothing in that eavesdrop order which pertains to Officer Parisi?

A. That's correct.

Q. You were present when the defendant was arrested on the charge of murder of Mr. Stevenson?

A. Yes, sir.

(p. 35) Q. He was mirandized at that point I take it?

A. Yes, sir.

Q. What was his response?

A. That he wanted to talk to counsel.

Q. And he did not give you a statement, is that right?

A. No, sir.

MR. RADCLIFFE: That's all I have.

MS. FRANKE: I have no further questions.

JOHN PARISI

(being called as a witness on behalf of the People, upon being duly sworn, testified as follows)

DIRECT EXAMINATION BY MS. LISA FRANKE

Q. Would you please state your name and occupation?

A. Special Agent John Parisi. I'm an undercover narcotics agent for the undercover Metropolitan Enforcement Group of Southwestern Illinois.

Q. How long have you been so employed?

A. Three-and-a-half years undercover.

Q. Prior to doing undercover work, what if anything did you do?

A. I was nine years as a Deputy Marshal, Cahokia, Illinois.

(p. 36) Q. Agent Parisi, directing your attention to March of 1986, were you contacted by the Fairview Heights Police Department?

A. I was.

Q. Who were you contacted by?

A. Detective Walters.

Q. And what, if anything, did Detective Walters request of you?

A. He asked me if I would contemplate going into the Montgomery County Jail for a few days, that there was a suspect in there involved in a murder that happened in Fairview Heights.

Q. At that time did he give you any more details about the murder itself?

A. No, he didn't.

Q. And what, if anything, did you indicate to Mr. Walters?

A. I told him I would meet with him that evening and I would be willing to go in the jail.

Q. Did you do that?

A. I did.

Q. Where was it that you first met with Mr. Walters after you conversation?

A. I met with him at the Fairview Heights Police (p. 37) Department.

Q. Who else was present?

A. Donald Charlton.

Q. Did you know Donald Charlton?

A. No, I did not.

Q. Had you met him prior to that day?

A. No, I did not.

Q. What, if anything, was your conversation with Mr. Charlton at that time?

A. At that time Mr. Charlton and I, all we discussed was just a scam that we could lay down that would get us into prison, that would cool us off, make everything okay.

Q. What was the scam?

A. We decided that we'd go in there as inmates that just escaped from the Cook County area up in Chicago on a work release program.

Q. Did you indicate to Mr. Charlton what your name was going to be as your undercover?

A. I did.

Q. What was that?

A. Vito Bianco.

Q. And did you indicate to Mr. Charlton at that time what, if anything, you were going to say to Mr. Perkins when you met him?

(p. 38) A. No, I did not.

Q. Did you discuss with Mr. Charlton at that time the details of what he knew of his previous conversations with Mr. Perkins?

A. No, I didn't. I did see a transcript from the Fairview Heights Police Department, I looked at its briefly, that involved Charlton's testimony.

Q. Did you read it in detail?

A. Not in detail, no.

Q. Were you familiar with its contents prior to talking with Mr. Perkins?

A. No, I wasn't.

Q. What, if anything, did you do after talking with Mr. Charlton?

A. After Charlton and I got – we got our scam together, we were then taken to Hillsboro, Montgomery County, Illinois where we were processed and I was placed into the cellblock.

Q. Do you recall at that time how Mr. Charlton was dressed?

A. I believe in Levis and a shirt.

Q. And how were you dressed at that time.

A. Motorcylce garb.

Q. Can you describe for us what motorcycle garb is?

(p. 39) A. Levis, boots, I had on a black leather jacket with a lot of patches on it, Harley Davidson hat.

Q. What was the process of getting you into the Montgomery County Jail?

A. We were going to go in there stating that we'd committed burglaries down in Hillsboro and we were caught.

Q. Were you processed as a regular inmate would have been?

A. I was photographed.

Q. And, when you entered the cellblock area, can you describe it for us and tell us what it was you first had on when you entered the cellblock area?

A. When I first went in, I had my motorcycle garb on and then before being put into the cellblocks I had to take that off and I was put into an orange jumpsuit.

Q. And, what does that cell inside the Montgomery County Jail look like, is it a large cellblock area like the St. Clair County Jail?

A. It's a large cellblock area. There were approximately, just guessing, approximately twelve cells. None of the doors closed. All of the cells led into a large type room with a table at it.

Q. Would that have been the only cellblock area they had in the Montgomery County Jail?

(p. 40) A. I believe, I'm not for sure, but I believe there was another cellblock area upstairs.

Q. After changing from your motorcycle attire into your jumpsuit, how was it that your were wearing your jumpsuit?

A. I had the pants part on and the top half tied down below my waist.

Q. Was that a usual way of wearing the jumpsuit in the County Jail?

A. Yes, it was, because of the heat.

Q. Is that how Mr. Charlton wore his?

A. Yes, it is.

Q. Had you been told prior to entering the Montgomery County Jail whether you should elicit any conversation from Mr. Perkins regarding the death of Mr. Stevenson?

A. No, not elicit, just basically if we could get into a conversation.

Q. Were you told to question Mr. Perkins about the death?

A. No, not question him.

Q. At that time upon entering the Montgomery County Jail, were you introduced to Mr. Perkins?

A. I was.

Q. How was it that you met him?

(p. 41) A. Through Don Charlton.

Q. And how was the conversation, or how did you meet with him?

A. Once we got into the cellblock, Charlton and Perkins went into a private cell with, I would imagine they exchange greetings, thirty seconds later Charlton called myself into the cellblock, I was introduced to Perkins. We discussed a jail break.

Q. Initially that was you conversation?

A. Yes, it was.

Q. You see Mr. Perkins in the courtroom today?

A. I do.

Q. Can you point him out?

A. He's sitting there with the orange jumpsuit on.

Q. Would that have been the person who you were introduced to in the Montgomery County Jail?

A. It is.

Q. What was your discussion about a jail break at that time?

A. I told Perkins that we had just escaped out of the Cook County area, the Chicago area, and I wasn't going to do any more time, and that I needed to get out of there. Perkins said, you know, that this jail was a rinky-dink jail, that we could break out.

(p. 42) Q. Did he at that time join in your escape plan?

A. At that time he stated that he could have a gun smuggled in, and we decided, the three of us, myself,

Perkins and Charlton, to wait until the rest of the inmates were asleep and then we'd further discuss the plans.

Q. Did you do that?

A. Yes, we did. After we concluded that initial conversation, Perkins then showed myself a make-shift crow bar that was hidden in the bathroom.

Q. Who showed you that?

A. Perkins.

Q. What, if anything, did he say was going to happen with that particular crow bar?

A. He stated that could be used to assist us in the jail break.

Q. What, if anything – how did the conversation proceed at that point?

A. At that point, like I said, we determined to wait until everybody went to sleep. It was just general conversation for the rest of the evening.

Q. Did you meet later on that evening?

A. We did.

Q. Do you have any idea that time it was that you would have met?

(p. 43) A. Can I refer to my report?

Q. I have no objection to that. Jim, do you have any objection?

MR. RADCLIFFE: Go ahead.

A. I'd say approximately 11:30 in the evening, it's hard to tell what time it was, you don't have a watch, there is not clock there.

Q. Who was it that met about 11:30?

A. Myself, Perkins, and the informant.

Q. What, if anything, did you discuss at that time?

A. The three of us went into cell #6, which I believe was Perkins' personal cell. We sat on the floor. We started discussing the jail break again.

Q. How did that conversation proceed?

A. Perkins started out with he could have the .25 automatic slipped in by a girlfriend on visiting day.

Q. And what else happened after he indicated that?

A. We had decided that we would kill anybody that tried to stop us in the jail break. We were going to proceed to go to San Diego, California.

Q. Who was involved in the discussion about killing anybody who was involved in the jail break?

A. Myself, Perkins and Charlton.

Q. Did the conversation ever lead to Mr. Perkins (p. 44) discussing with you the death of a man in the Fairview Heights area?

A. It did.

Q. How did the discussion specifically lead to the information from Mr. Perkins?

A. Once Perkins stated that he could have the .25 automatic slipped into the jail cell, Charlton stated, "Hey,

I'm not a murderer, I'm a burglar. That's your guys' profession."

Q. And?

A. Meaning myself and Perkins.

Q. What was the response at that time?

A. I told the informant if we break out and we have to kill people, that he's involved also. He's an accessory.

Q. And what additionally was said at that time?

A. Well, I asked Perkins, "Have you ever done anybody," meaning have you ever killed anybody.

Q. Was that in the context of the conversation about taking out anybody?

A. Yes, it was.

Q. What was Mr. Perkins' response?

A. He stated yes, he had.

Q. That happened after he indicated that?

A. He stated that he had killed a white guy in a rich (p. 45) area of East St. Louis. Okay. The informant – do you want me to go into the conversation?

Q. Please tell us at that time how the conversation proceeded between yourself, Mr. Charlton, and Mr. Perkins.

A. Is it okay if I refer to my reports?

Q. I have no objection.

MR. RADCLIFFE: Go ahead.

A. The conversation lasted for approximately 35 minutes to the best of my recollection.

"Perkins: I can have a .25 automatic slipped in on visiting day, Tuesday, which would be April 1st, '86.

The Informant: I don't want anything to do with anybody killing anyone."

Q. Would that have been Mr. Charlton?

A. Yes, it was.

Q. Okay.

A. Myself to Charlton: "Once we break out, if we have to kill anyone you are involved.

Charlton: I know, but I don't want to do the killing, I'm a burglar. You guys are the killers."

I then asked Perkins, "You ever do anyone? Yeah, once in East St. Louis, in a rich white neighborhood.

Informant: I didn't know they had any rich white neighborhoods in East St. Louis.

(p. 46) Perkins: It wasn't in East St. Louis, it was by a race track in Fairview Heights. That's about twelve miles from East St. Louis. Did you ever hear of Fairview Heights?" Asking me. I state, "Yes. You did a guy in Fairview Heights?

Perkins: Yeah in a rich white section where most of the houses look the same.

Charlton: If all the houses look the same, how did you know you had the right house?

Perkins: Me and two guys cased the house for about a week. I knew exactly which house, the second house on the left from the corner.

Myself: How long ago did this happen?

Perkins: Approximately about two years ago. I got paid $5,000 for that job.

Myself: How did it go down?

Perkins: I walked up the this guys' house with a sawed-off under my trench coat.

Myself: What type gun.

Perkins: A .12 gauge Remmington Automatic Model 1100 sawed-off. They can't take ballistics from a shotgun. I rang the bell and the guy opened the door a little. It has a chain lock on it. He must have been afraid because his brother got the shit beat out of him a couple days ago with a (p. 47) baseball bat. He motioned for me to go to the garage. He must have thought I was a bum because I was wearing the trench coat.

Myself: How old was the dude?

Perkins: About 40. So the garage door starts to open and I asked the dude are you Steve, and he doesn't answer. So I wait until the garage gets about to his head.

Charlton: What kind of door was it?

Perkins: An automatic garage door. I know because I heard the motor." And then Perkins [started] humming.

"When the door got to his head, I asked him are you Steve. Still he didn't answer. He had one hand

behind his back like he had a gun, so I clicked the safety off an pulled it from under my trench coat and shot him once in the leg. It was loud. Kaboom.

Charlton: Where did you shoot him?

Perkins: In the right leg." Perkins then touched Charlton in the right thigh area with his [hand].

Myself to Perkins: 'What size shells did you use?

Perkins: Shrugs. I don't know what size. So when the dude's going down he called me a son-of-a-bitch. So I ejected the shell and was going to shoot him again, but about three or four little dogs were barking in the garage and the shot made a lot of noise, so I just started running.

(p. 48) Myself: How come you ejected the shell if it was an automatic?

Perkins: When I sawed it off I must have screwed up the gas cylinder.

Informant: I would have been afraid of witnesses.

Perkins: An old lady from across the street came out but I don't think she could recognize me because it was 8:30 at night and it was getting dark.

Myself: So you started running.

Perkins: Yeah, I had to run about three blocks and had to climb about an eight-foot ditch to get to the car.

Myself: How come the car wasn't close?

Perkins: Because we cased the house for about a week before in the car.

Myself: Who had the guy done?

Perkins: One of the guys in the car. He worked with him somehow.

Myself: What did he have him done for?

Perkins: Drugs and sex. He owed him money for drugs and he was fucking his wife. I wasn't supposed to kill him, only cripple him, but he bled to death. Anyway, once I got to the car and was diving away, they were joking that I got the guy's brother and I would have to go back and shoot the right guy. Later we heard on the radio the guy (p. 49) died, and I thought, shit, I got one under my belt now. They asked me how I liked it, killing the guy, and I told them I enjoyed the shit out of it.

Informant: What did you do with the gun?

Perkins: I threw it over a four or five hundred foot cliff as you are going into Litchfield.

Informant: Into a pond?

Perkins: Something like that. Then I burned my trench coat, tennis shoes, and the Levis because they had blood all over them.

Informant: Aren't you afraid the guys in the car will talk? Perkins: No, I trust them with my life. They know I'll get the gas chamber but they will get life. One of the guys in the car said he had to take a lie detector test but he passed it. I've never been questioned on it, but I've got an alibi anyway, because one of the guys – cause me and one of the guys in the car went out that night with some girls. One of the girls was married and I got

into a fight and got barred out of the tavern on purpose. That's it. Never heard anymore about it."

Q. Was that the sum and substance of the conversation that you recalled that you had with Mr. Perkins in the Montgomery County Jail?

A. Yes, ma'am.

(p. 50) Q. After that conversation took place, what if anything did you talk about then?

A. Just usual jailhouse talk. We stayed up for maybe another 15, 20 minutes, watched television.

Q. Did anybody go to bed at that time?

A. Yes, ma'am. Perkins laid down.-Wasn't in the cell, kind of in between the cell and the main room, sleeping on the floor.

Q. And what, if anything, did you and Mr. Charlton do?

A. We stayed up the rest of the night, watched TV, played chess.

Q. What did you do the next morning?

A. The next morning I sent word out that I needed to see the doctor. At that time I was brought out of the cell. I made a phone call to my immediate supervisor, and went back into the cellblock.

Q. What did you indicate to your supervisor?

A. That Mr. Perkins had given me conversation [implicating] him in the crime.

Q. And, after going back in the cellblock, what did you do?

A. I just remained there until my – until nine o'clock when the Sheriff was there to get me out.

Q. Did you leave the cellblock at that time?

(p. 51) A. I did.

Q. What was your excuse for leaving?

A. They were supposed to take me to a different county for another burglary to be arraigned.

Q. At that time did Mr. Charlton also leave with you?

A. He did.

Q. Did you give any instructions at that time to Mr. Charlton?

A. I did.

Q. What did you tell him?

A. I told him to get a piece of paper and pencil and just make notes on what he had heard that evening.

Q. Did you do that also?

A. I did.

Q. And is the sum and substance of your report made from the notes that you would have made immediately after the conversation?

A. It is.

Q. Did you and Mr. Charlton – excuse me, at that time discuss the conversation between yourself and Mr. Perkins and Mr. Charlton?

A. No, ma'am.

Q. Have you and Mr. Charlton ever discussed the details of that conversation?

(p. 52) A. No, ma'am.

Q. Did you compare notes prior to writing your report?

A. No, ma'am.

Q. At any time while you were in the Montgomery County Jail, did you indicate to Mr. Perkins that you were an undercover police officer?

A. No, I did not.

Q. Did you ever advise him of his rights?

A. No, I did not.

Q. Did Mr. Charlton ever advise him of his rights?

A. Not that I'm aware of.

Q. Did Mr. Charlton ever tell him that you were an undercover officer?

A. Not that I'm aware of.

MS. FRANKE: That's all the questions I have.

THE COURT: You may inquire.

CROSS EXAMINATION
BY MR. JAMES RADCLIFFE

Q. Officer Parisi, at all times that you testified to, you were employed as a police officer, isn't that correct?

A. Yes, it is.

Q. And isn't it also true that you and Officer Prindable and Officer Walters and Officer Korunka developed (p. 53) this entire scam?

A. No. sir, it's not.

Q. Who developed it?

A. What scam is that?

Q. To go into the Hillsboro Jail?

A. I was.

Q. As undercover?

A. I was notified by Detective Walters, that's it.

Q. Okay.

A. He's the only person that I met with.

Q. So you and Detective Walters developed the scam, correct?

A. He asked me if I would go into the jail.

Q. Did he tell you that they had received information from Mr. Charlton?

A. He told me that they had received information from an informant that there was somebody that is locked up on Hillsboro that is a suspect in the murder.

Q. And in fact, Detective Walters had a written transcript of his conversation with Mr. Charlton?

A. Yes, he did.

Q. And, in fact, you reviewed that transcript prior to going into the jail undercover, correct?

A. I just briefly skimmed over it.

(p. 54) Q. You recall how many pages it was?

A. No, I don't, I know it was a large one.

Q. When did you review that transcript?

A. Approximately 5:30 that evening.

Q. Which evening?

A. The 30th of March.

Q. When did you go undercover in the jail that evening?

A. I got into the jail, well, we left the Fairview Heights area about 6:30 that evening.

Q. So you had approximately an hour to review the transcript of the interview between Walters and Charlton?

A. That's correct.

Q. So you knew the details of the information that Charlton had relayed to Walters, correct then?

A. No, that's not correct.

Q. You mean you read it and didn't remember anything?

A. I told you I briefly skimmed it over. I was more concerned about a scam getting into jail, a story that's going to work.

Q. Why did you read it?

A. I just wanted to briefly know what was going on.

Q. You wanted the information before you went in there?

(p. 55) A. I wanted to know something about the case, yes.

Q. Okay. Now, part of you scam was to pose as a biker, correct?

A. Yes, sir.

Q. Identify yourself as Vito Bianco?

A. Correct.

Q. To tell the defendant that you were being held on a series of burglaries?

A. Correct.

Q. Tell the defendant that you were involved in a jail break in the Cook County area?

A. Out of a work release program. That's not a jail break, sir.

Q. Excuse me. Also to tell the defendant that you wanted to break out of the Hillsboro Jail, correct?

A. Correct, uh-huh.

Q. None of those things were true, were they?

A. No, sir. Well –

Q. The whole object of this scam was to engage the defendant in a conversation regarding the killing of Mr. Stevenson, correct?

A. No, to see if he would say anything about it.

Q. The whole object of the scam was tc see if the defendant would give you information regarding that homicide, (p. 56) correct?

A. Well, you could – yes, okay, I'll give you that one.

Q. Thank you. And, in fact, the conversation that you say you elicited from the defendant was initiated by your question as to whether or not he had ever done anybody, correct?

A. Correct.

Q. You were involved in the conversations with the defendant at all times in the presence of Mr. Charlton, correct?

A. Correct.

Q. At no time were you identified as a police officer?

A. No.

Q. At no time was he mirandized?

A. No.

Q. Did you have any other involvement with this case subsequent to March 31st, 1986?

A. No, I did not.

MR. RADCLIFFE: That's all I have.

MS. FRANKE: I have no questions.

THE COURT: Step down.

MS. FRANKE: Your Honor, I need to get the last witness from the holdover cell.

(p. 57) THE COURT: All right.

MS. FRANKE: Your Honor, he's in leg irons and handcuffs, would you like him out of those?

THE COURT: Yeah, take them off.

MR. RADCLIFFE: I won't vouch for Mr. Charlton Your Honor.

THE COURT: Okay. I will. Bailiff, wake up, and if he starts to move, shoot him.

DONALD CHARLTON

(being called as a witness on behalf of the People, upon being duly sworn, testified as follows)

DIRECT EXAMINATION

BY MS. LISA FRANKE

Q. Would you please state your name?

A. Donald Charlton.

Q. And how old are you?

A. Twenty-seven.

Q. Are you presently serving a prison sentence?

A. Yes.

Q. In the State of Illinois?

A. Yes.

Q What is that for?

A. Burglary.

(p. 58) Q. And how long were you sentenced to?

A. Six years.

Q. What county did that originate out of?

A. Lawrence.

Q. And, when you first received your sentence, where did you serve your time?

A. Graham Correctional Center.

Q. And how long were you at Graham Correctional Facility?

A. Approximately a year.

Q. And after Graham where did you go?

A. Centralia.

Q. During the time that you were at Graham Correctional Facility, did you meet with a man by the name of Lloyd Perkins?

A. I did.

Q. Do you see Mr. Perkins here today?

A. Yes.

Q. Is he sitting at the counsel table in the orange jumpsuit?

A. Yes.

Q. What kind of relationship did you have with Mr. Perkins?

A. We were friends in a cellblock.

(p. 59) Q. And approximately how long did you know him or were you in the same cellblock area together?

A. The first time I was in receiving for maybe six weeks with him and the second time a couple months in another unit.

Q. During the course of the time that you had contact with Mr. Perkins, did you ever engage in a conversation regarding any murder or a death of an individual in the Fairview Heights area?

A. Yes, at the time I didn't know it was Fairview Heights at the time, but we discussed a murder and a death.

Q. What was his initial conversation to you about that death?

A. He told me that he had killed somebody for $5,000, he told me the details and that he'd done it.

Q. Did you ever relay that information to any state agency or any state authority?

A. I contacted someone I know in the Spokane Police Department, who in return contacted Ken Korunka of the State Police.

Q. Spokane being Spokane, Washington?

A. Yes.

Q. Why did you make a contact with them?

A. I'm from Spokane, Washington, and I have a friend (p. 60) who's a detective there.

Q. And he referred you to Agent Korunka?

A. Yes.

Q. Did you at that time discuss with Agent Korunka the details of the murder that Mr. Perkins had talked with you about?

A. Yes.

Q. What was your reason for relaying the information to the authorities?

A. People shouldn't kill people.

Q. Did you have any desire at that time to work a deal with anybody regarding your sentence?

A. No, ma'am.

Q. And has any compensation been given to you for cooperating?

A. No.

Q. Have you received any deal for your cooperation within this case?

A. No.

Q. After talking with Agent Korunka, had you agreed to talk with Agent Waiters or Detective Walters?

A. He told me that somebody – he just said that another police agency wanted to talk to me.

Q. Did you a agree to talk with them?

(p.61) A. Yes.

Q. Did you later learn that person would be Detective Walters?

A. Yes.

Q. Did you have a conversation with Detective Walters?

A. Yes.

Q. And when would that have been?

A. Some time in March.

Q. Of 1986?

A. Yes.

Q. And at that time did you relate to Agent Walters the details that you knew about the homicide?

A. Yes.

Q. The details that you gave the Agent Walters at that time, where had you learned those from?

A. From Mr. Perkins at Graham Correctional Center.

Q. Did you agree at that time to cooperate further with Agent Walters in pursuing the investigation with Mr. Perkins?

A. Yes.

Q. What did you agree to do?

A. To wear a wire and try to get Mr. Perkins to give me the conversation on tape.

Q. And where did you understand that that conversation (p. 62) was to take place?

A. In a motel room.

Q. And did you have any idea what county that was going to happen in?

A. In his home town in Montgomery County.

Q. Did that conversation in the motel room ever happen with Mr. Perkins?

A. No, it did not.

Q. Did you make phone calls to attempt contact with Mr. Perkins?

A. Yes, several – yes.

Q. Would that have been when you were on a writ to the Fairview Heights Police Department?

A. Yes.

Q. Where you successful in making contact with Mr. Perkins at that time?

A. No, I was not.

Q. Did you ever later agree to enter the Montgomery County Jail to engage in a conversation with Mr. Perkins at that location?

A. Yes, I did.

Q. Were you told at that time that you would be accompanied by another agent?

A. Yes.

(p. 63) Q. And, did you later learn that agent to be Agent Parisi?

A. Yes.

Q. When would have been the first time you ever met Agent Parisi?

A. Well, when Walters brought it to me that we were going to go into jail, I mentioned to him that he didn't look a lot like an inmate, and he told me that they had someone else. And the night before we went in there, no, the same day that we went in there on a Sunday, I met with Mr. Parisi.

Q. Had you ever met Agent Parisi before that date?

A. I have not, no.

Q. And at that time what was your conversation with Agent Parisi?

A. We went through the details of how our story of escaping from work release, and I was – that was it.

Q. Okay. What were the details of how you were going to explain your presence in the Montgomery County Jail?

A. That I'd been sent to work release in the Chicago area and that Vito, which is Agent Parisi, Vito and I were in the work release together, we had escaped from work

release, came down to Montgomery County to meet Lloyd and take him back with us to California. Why we were there, we couldn't contact him; we ran out of money; we were in the process of a (p. 64) Burglary, and were arrested.

Q. Did you relay at that time any of the details of what Mr. Perkins had told you about the murder to Agent Parisi?

A. No.

Q. What were you told about engaging in a conversation with Mr. Perkins about the death of this person who he had allegedly murdered?

A. I was told introduce Vito to him, try to get him alone, get the conversation going, leave no information out, and let Perkins do most of the talking, and just make the introduction as much as I could.

Q. When you got to the Montgomery County Jail, were you processed in as an inmate?

A. Yes.

Q. What did you have on when you initially got there?

A. A jumpsuit. Well, when I first got there I had jeans and a work shirt.

Q. And what did Agent Parisi have on?

A. He had on a bikers outfit, a leather jacket with patches, chain belt, jeans, Harley Davidson wallet.

Q. Did you later change from that outfit to something else?

A. Yes.

(p. 65) Q. What did you put on?

A. Jumpsuit.

Q. How was it that Agent Parisi first met Mr. Perkins?

A. We were processed into the jail. It was a small cellblock. We went in, Lloyd and I said hello. We, Lloyd and I went into a separate little cell. We were there 30 seconds and I called Vito in, introduced him as my partner who escaped from work release.

Q. Did he immediately recognize you?

A. Yes.

Q. Did you immediately know who he was?

A. Yes.

Q. In terms of Perkins?

A. Yes.

Q. How many other cellmates were there in that area at that time?

A. Four or five, I can't remember.

Q. Did you know anyone else?

A. No.

Q. Did Parisi know anybody?

A. No.

Q. How did the conversation progress after you introduced Agent Parisi to Perkins?

A. We told him about the escaping from work release (p. 66) and what not. We all said that we were in big trouble and we had to get out of there and that we were planning an escape.

Q. What was Perkins' response to that?

A. Oh, we were all three agreed to it.

Q. Okay. What did you decide to do after your initial conversation about the escape?

A. There was iron bar about three feet tall and about 10 pounds, wide, 6 inches. We were going to take the iron bar. The jailer was an elderly man, old guy, supposed to have been there all alone. We were going to take him, get him to open the door, take him hostage, get out in the jail part and take guns.

Q. Who provided the instrument that you are talking about?

A. Mr. Perkins.

Q. And who had suggested taking the older man into the cell area, take him as hostage?

A. Mr. Perkins.

Q. Did he appear to be familiar with the operations of the Montgomery County Jail at that time?

A. Yes.

Q. What, at that time, did you decide to do?

A. We at that time decided that we should wait until tomorrow morning and wait until everybody else was asleep to (p. 67) talk about it.

– Q. Did you do that?

A. Yes. We watched TV in between.

Q. About what time would it have been that you again began the conversation of the jail break?

A. It was a little after midnight.

Q. And –

A. Approximately, I'm not sure exactly.

Q. Who would have been present during that second conversation?

A. Mr. Parisi, Mr. Perkins and myself went into a back cell where Mr. Perkins was alone.

Q. Was there anybody else in the cellblock at that time engaged in this conversation?

A. No, they were all –

Q. At that time what was the conversation between the three of you?

A. We, at that time, all three of us were in the back room, back cell. We talked about the escape. I told Perkins that Vito and him were in the same business, and that when we got out of there, once we had escaped we were going to California. Vito and him could do business in California.

Q. How did the conversation progress after that?

A. Vito asked him if he had ever done anyone.

(p. 68) Q. Being – he asked Perkins?

A. Right.

Q. What was Perkins' response?

A. He said I shot a man in the leg.

Q. And, now did the conversation proceed after that?

A. Parisi asked him how he had done it. Mr. Perkins told him that, told all of us, both of us, that he had went up to the front door with a green trench coat on, knocked on the door. The man opened the door with a little chain on it. Said just a minute, went around to open the garage door. When he came out the garage door he had one hand behind his back. Perkins said he lifted the shotgun from underneath the coat and shot him. Shot him in the leg.

Q. Did he indicate to you at that time how the garage door became open?

A. I asked him if he had one hand on the garage door that wasn't beside his back. He said he heard an electric garage door opener.

Q. Did he indicate to you at that time that he had any conversation with the individual who was at the garage door?

A. He asked him if his name was Steve.

Q. And, did he have any other conversation with the man at that time?

A. The guy said – didn't answer him, and he asked him (p. 69) again if his name was Steve, and at that time he said he just shot him, and as the guy was falling called

him, the victim called him a son-of-a-bitch as he was falling.

Q. What, if anything, did Perkins tell you happened after that?

A. He said that – well, I asked him, because he told me in prison that there was an old lady across the street. I said weren't you worried about the old lady across the street. He said no, I was running down the street, it was late, it was getting dark, and I don't think she saw me.

Q. Did he indicate to you at that time how he left the area?

A. He said that they – Parisi asked him if he parked the car close. He said that they parked it about a block away because they had been casing the place for about a week and they were worried someone in the neighborhood would spot the car, and that they had parked a block away, and that he had to climb 8 to 12-foot ditch.

Q. Did he indicate to you anything about what kind of weapon he used and whether there were any shells or casings left at the scene?

A. Yeah. He said it was an automatic shotgun, and he mentioned that he had to eject a shell, and I asked him, I said it's an automatic, you don't need to eject an automatic (p. 70) shell. He said it had been cut down and because of the gas chamber had been cut, it had to be ejected manually. He said when he saw the lady he had ejected the shell into the street while he was running.

Q. Was that pretty much the conversation as you recall it between the three of you that evening?

A. He told us that he got 2500 down to do it, 25 after.

Q. And did he indicate to you why he was to injure this particular person?

A. The people that hired him, he said, told him it was over a woman and something to do with drugs, he thought.

Q. After that part of the conversation, what if anything did the three of you discuss?

A. Pretty much we went back to – talked about the escape a little more, and that was it.

Q. Did you and Agent Parisi stay up the rest of the evening?

A. Yeah, one us was awake at all times.

Q. At that time did you, after – did Mr. Perkins go to sleep?

A. Yeah.

Q. Did the two of you discuss the details of the conversation that you had heard with Mr. Perkins at that (p. 71) time?

A. No. Parisi and I went and in the same cell, upper bunks for about twenty minutes and we laid down, and then I said to Parisi, I said, you know, with that iron bar out there, there is no way in hell that I'm sleeping in here. I said I'm going – Mr. Perkins was on the floor out by the TV. I said I'm going to go out there and keep an eye on him. I said one of us should be up at all times. I

went out in the dayroom, put a mattress on the floor, and watched TV all night.

Q. The next day Agent Parisi was taken and the two of you were eventually taken from the Montgomery County Jail?

A. Yes.

Q. Were you given any directions by Parisi at that time?

A. He put me in a room and told me to take notes of everything I could remember.

Q. Were the two of you together when you were taking the notes?

A. Part of the time but there was a Sheriff there, also.

Q. Did you compare notes about what had happened?

A. No, I even asked him a few questions, and he wouldn't answer me. He said just write down what I (p. 72) remembered.

Q. So you would not have discussed with him prior to making your notes, any discussion that you would have had with Mr. Perkins?

A. No.

Q. Have the two of you since then discussed what you recall of the conversation that was in the cellblock that night?

A. No.

MS. FRANKE: That's all the questions I have.

THE COURT: Jim?

CROSS EXAMINATION
BY MR. JAMES RADCLIFFE

Q. Mr. Charlton, why did you contact this guy out in Spokane, Washington, with this information?

A. Because he's the only person that I know in law enforcement.

Q. You are from that area, aren't you?

A. Yes, I am.

Q. Did you have any pending charges out there at the time?

A. No.

Q. Did you request your friend in Spokane to talk to (p. 73) the local officials see if they could relax some of the criminal pressure on you in this area?

A. In this area?

Q. Yeah.

A. I have no criminal pressure in this area.

Q. You are in jail, aren't you?

A. Yeah, but I've been sentenced.

Q. Did you have any discussions with any of the local police officers about dealing your information about the defendant for consideration on any of the pending charges?

A. I did, and they said that they would make me no deals.

Q. Did they – isn't it true they told you they would try to talk to people for you?

A. They said that they would make me no deals, that the prosecutor said there was no deals.

Q. You gave a lengthy tape recorded conversation and statement to Detective Walters, didn't you, on March 14th?

A. I believe that's the date.

Q. Were you aware that Officer Parisi had reviewed that prior to you and he going into the jail to try to engage the defendant in conversations?

A. I was not.

Q. Officers Parisi was involved in questioning the (p. 74) defendant during the period of time that he was undercover in the jail with you, isn't that correct?

A. I don't know if it was questioned.

Q. He was involved in the conversation?

A. He was involved in the conversation, yes.

Q. Didn't he initiate the conversation by asking the defendant if he had ever done anybody?

A. Well, I initiated it by saying they were in the same business.

Q. What business was that?

A. Killing people.

Q. I take it Vito was not in that business at the time you told the defendant that, was he?

A. No.

Q. At any time during the period of time that you were in the cellblock with Officer Parisi and the defendant, did Officer Parisi ever advise the defendant as to his Miranda rights?

A. No.

Q. Did he ever identify himself as a police officer?

A. No.

Q. Who concocted this undercover scam?

A. About the work release?

Q. No, about the whole deal, work release, jail break, (p. 75) calling himself Vito Bianco, who put that all together?

A. I assume the Fairview Heights Police and Vito.

Q. Were you involved in their discussions?

A. Very little.

Q. Who was present when you had discussions with them?

A. Just me and Walters and Prindable.

Q. And Parisi?

A. No, I only met Parisi that night.

Q. Okay.

MR. RADCLIFFE: That's all I have.

MS. FRANKE: I have no other questions.

THE COURT: Step down.

* * *
